



Town of Moultonborough Zoning Board of Adjustment

Notice of Decision Request for Variance Squam Byrne, LLC/Map 13, Lot 1

April 20, 2010

**Applicant: Squam Byrne, LLC
26 Driftway Lane
Darien, CT 06820**

Location: 928 Bean Road, Moultonborough, NH (Tax Map 13, Lot 1)

On April 6, 2011 the Zoning Board of Adjustment of the Town of Moultonborough opened a public hearing on the application of Squam Byrne, LLC (hereinafter referred to as the “Applicant” and/or “Owner”) for a variance from Article III (B)(4) to allow for removal of the existing bath house and path and new construction of a bath house on the parcel located in the Agricultural Residential (AR) Zoning District to be located with the required lake setback. This is an amendment of a previously granted Variance approved on July 7, 2010.

Based on the application, testimony given at the hearings, and additional documentation and plan(s), the Board hereby makes the following findings of fact:

- 1) The property is located at 928 Bean Road (Tax Map 13, Lot 1).
- 2) The applicants are the owners of record for the lot.
- 3) The applicants were represented at the Public Hearing by Dan Ellis of Ames and Associates.
- 4) The lot is located in the Agricultural Residential (AR) Zoning District.
- 5) Nicole Roseberry, ZBA Alternate, recused herself from this application.
- 6) The applicants’ representative waived their right to a five (5) member Board of Adjustment, there being only four (4) members present and able to review the application after Ms. Roseberry recused herself from the application.
- 7) The existing bath house and path are located within the fifty (50) foot lake setback.

- 8) The proposed twelve (12) foot by sixteen (16) foot bath house will be further away from the lake than the existing bath house, but shall remain within the fifty (50) foot lake setback.
- 9) The property is between Squam Lake and Bean Road and is a narrow strip of land running the length of the lake and road. As such, there is limited area on the parcel to locate the structure, and relocation would likely impact the required road setback.
- 10) There shall be no increase in the amount of impervious area from the existing condition of the site.
- 11) The proposed location of the new bathhouse will be approx. 39.3 feet from the lake.
- 12) The existing bathhouse is located approx. 19 feet from the lake.
- 13) The proposed bath house shall be less non-conforming than the existing bath house.
- 14) No members of the public wished to speak on the application.
- 15) Granting the Variance will not be contrary to the public interest as the use of the lot as a bath house in the past and the proposed new bath house will have no noticeable impact on the public from the previous use.
- 16) Granting the Variance is consistent with the spirit of the Ordinance as the proposal is making the structure less non-conforming than what currently exists.
- 17) By granting the Variance, substantial justice is done.
- 18) Granting the Variance does not diminish the value of surrounding properties as the neighborhood is largely comprised of split lots with limited frontage along Lake Kanasatka and similar lake amenities are located on these lots.
- 19) Special conditions exist such that a literal enforcement of the provisions of the Ordinance will result in unnecessary hardship as the lot size and location were pre-existing to zoning and create a very small available building envelope and relocating the structure outside of the lake setback would result in violation of other setbacks not already affected.
- 20) The Zoning Board of Adjustment voted by a vote of four (4) in favor (Stephens, Hopkins, Nolin, Zewski), and none (0) opposed to continue the Public Hearing to April 20, 2011, and to direct the Town Planner to draft a Notice of Decision to Grant the Variance, to be reviewed by the Board at the April 20, 2011 Regular Meeting.

The Board of Adjustment continued the Public Hearing to April 20, 2011. The Board of Adjustment closed the public portion of the hearing on April 20, 2011. Based on the above Findings of Fact, the Board of Adjustment voted by a vote of five (5) in favor (Stephens, Hopkins, Heal, Nolin, McCarthy), none (0) opposed, to **GRANT** the request for Special Exception.

- 1.) The applicant must submit a corrected NHDES approval for the project prior to issuance of a Building Permit for the site.
- 2.) The terms of the previously approved Variance from July 7, 2010 shall apply to this amended Variance Notice of Decision, except as amended in this new decision.

This decision shall not take effect until thirty (30) days have elapsed and no request for rehearing has been filed in accordance with RSA 677:2, or that if such request has been filed, it has been dismissed or denied, in accordance with RSA 677:3.

Robert H. Stephens
Chairman, Zoning Board of Adjustment

Date _____